

HUMAN SERVICES DEPARTMENT[441]

Notice of Intended Action

Twenty-five interested persons, a governmental subdivision, an agency or association of 25 or more persons may demand an oral presentation hereon as provided in Iowa Code section 17A.4(1)"b."

Notice is also given to the public that the Administrative Rules Review Committee may, on its own motion or on written request by any individual or group, review this proposed action under section 17A.8(6) at a regular or special meeting where the public or interested persons may be heard.

Pursuant to the authority of Iowa Code Supplement section 234.6, the Department of Human Services proposes to amend Chapter 202, "Foster Care Services," Iowa Administrative Code.

The proposed amendments make the rule on the Department's responsibility to visit children in foster care consistent with federal expectations based on Title IV-B of the Social Security Act and correct a cross reference.

The amendments require the assigned Department service worker to visit each child in out-of-home placement at least monthly, usually in the place where the child lives. During the visit, the worker shall address the safety, permanency, and well-being of the child, including the child's needs, services to the child, and achievement of the case permanency plan goals. Current rules allow less frequent visits if the Department is purchasing supervision from another agency or if caseloads are high.

The Department is making this change to strengthen its commitment to uniform practice directed toward maintaining the safety, permanency, and well-being of children in out-of-home care. Assuring safety for children in out-of-home care is one of the outcomes measured in the federal Child and Family Services Review. The provision of monthly visits to children in out-of-home care is a condition of the state plan to receive funding under Title IV-B of the Social Security Act. Failure to meet the benchmarks set in Iowa's Title IV-B child and family service plan and program improvement plan for Child and Family Services Review could result in a reduction of federal funding.

These amendments do not provide for waivers in specified situations because visits provide protection to children in out-of-home care.

Any interested person may make written comments on the proposed amendments on or before July 23, 2008. Comments should be directed to Mary Ellen Imlau, Bureau of Policy Analysis and Appeals, Department of Human Services, Hoover State Office Building, 1305 East Walnut Street, Des Moines, Iowa 50319-0114. Comments may be sent by fax to (515)281-4980 or by E-mail to policyanalysis@dhs.state.ia.us.

These amendments are intended to implement Iowa Code Supplement section 234.6(6).

The following amendments are proposed.

ITEM 1. Amend subrule 202.3(3), as follows:

202.3(3) Voluntary placement of a child aged 18 or older may be granted for six months at a time only when the child meets the definition of "child" in ~~subrule 202.1(3)~~ rule 441—202.1(234), was in foster care or a state institution immediately ~~prior to~~ before reaching the age of 18, has continued in foster care or a state institution since reaching the age of 18, and has demonstrated a willingness to participate in case planning and to fulfill responsibilities as defined in the case plan. Payment shall be limited pursuant to 441—paragraph 156.20(1)"b."

ITEM 2. Amend rule 441—202.11(234) as follows:

441—202.11(234) Services to the child. The department service worker shall maintain a continuous relationship with the child, ~~and~~

202.11(1) The department service worker shall:

- a. ~~help~~ Help the child plan for the future,
- b. ~~evaluate~~ Evaluate the child's needs and progress,
- c. ~~supervise~~ Supervise the living arrangement,

~~d. arrange~~ Arrange for social and other related services including, but not limited to, medical, psychiatric, psychological, and educational services from other resources as needed, and

~~e. eounsel~~ Counsel the child in adjusting to the placement.

~~202.11(1) When the child is placed in a foster family home, the service worker shall visit the child regularly to fulfill responsibilities set forth in the case permanency plan and to review the child's progress. The frequency of visits shall be based on the needs of the child. At a minimum, visits to the child shall be monthly, not to exceed 35 days.~~

~~202.11(2) When the child is placed in group foster care, purchased foster family care, or purchased supervised apartment living, the service worker shall visit the child regularly to fulfill responsibilities set forth in the case plan and to review the progress of the child. The assigned department service worker shall personally visit each child in out-of-home care at least once every calendar month, with the frequency of the visits based upon the needs of the child.~~

~~a. If the permanency goal for the child is long term foster care, visits shall be at least quarterly, not to exceed 90 days. The visit shall take place in the child's place of residence the majority of the time.~~

~~b. For all other cases, visits shall be at least every 45 days. When the funded full time equivalency (FTE) workload exceeds 150, as established in the department's budget allocation, minimum visits for group care shall be at least quarterly, not to exceed 90 days; for purchased foster family care visits shall be at least every other month, not to exceed 60 days. The visit shall be of sufficient length to focus on issues pertinent to case planning. During the visit, the worker shall address the safety, permanency, and well-being of the child, including the child's needs, services to the child, and achievement of the case permanency plan goals.~~

202.11(3) No change.

This rule is intended to implement Iowa Code section 234.6(6) "b."